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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/911,670

Applicant(s)

WILLINS ET AL.

Examiner

Toan D. Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 03/08/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-2, and 7-20 are rejected under 35 U.S.C. 102(e) as being participated by Vij et al. (US 6,452,910).

For claim 1, Vij et al. disclose in a system for providing wireless data communication using a first protocol (figure 6, reference Bluetooth enabled Vehicle Module, col. 6 lines 43-44), said system having an access point (figure 6, reference Wireless Bridge, col. 6 line 45) for conducting wireless data communications with mobile units (col. 6 lines 41-42) using said first protocol, a method for conducting out of band management communications with said access point (figure 6, reference Wireless Bridge) comprising providing said access point with a radio module operating according to a second wireless communications protocol (figure 6, reference Wireless LAN, col. 6 lines 45-46), and receiving said management communications at said access point (figure 6, reference Wireless Bridge) using said second wireless communications protocol (figure 6, reference Wireless LAN, col. 6 lines 45-46) to allow management of the access point col. 8 lines 48-50).

For claim 2, Vij et al. disclose further comprising at least one of configuring one or more resources of said access point and adjusting one or more parameters of said access point responsive to said received management communications (col. 8 lines 48-58).

For claim 7, Vij et al. disclose authenticating said management communications (col. 11 lines 5-6).

For claim 8, Vij et al. disclose bridging apparatus for interconnecting a wireless PAN and a wireless LAN, comprising:

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a first interface for conducting data communications with one or more computers (figure 6, col. 6 lines 39-42);

a first radio module (figure 1, reference IEEE 802.11 card, col. 4 line 20) using a first protocol for transmitting wireless data messages received at said first interface and for receiving and relaying said data messages via said first interface (col. 4 lines 18-20);

at least one processor (figure 1, reference CPU) connected to said first interface and said radio module for controlling said access point (col. 4 lines 18-22); and

a second radio module (figure 1, reference Bluetooth card) operating using a second wireless communications protocol, different from said first protocol, for receiving wireless management (col. 4 line 20, and col. 8 lines 48-50).

For claim 9, Vij et al. disclose wherein said second radio module is arranged to operate as a slave module using a master slave protocol (col.8 line 6).

For claim 10, Vij et al. disclose wherein said second radio module is arranged to operate as a slave module using the Bluetooth protocol (col.8 line 6).

For claim 11, Vij et al. disclose wherein said processor is further arranged to authenticate communications via said second radio module (col. 11 lines 4-6).

For claim 12, Vij et al. disclose bridging apparatus for interconnecting a wireless PAN and a wireless LAN, comprising:

an interface (figure 1, col. 4 lines 19-20);

a processor (figure 1, reference CPU) communicatively, the processor adapted to:

allow data communications with one or more remote devices (figure 6, references Car wash, Repair Shop) over a first communications protocol (Wireless LAN or IEEE 802.11)(col. 6 lines 45-48); and

allow access to one or more management features of the apparatus over a second communications protocol (Bluetooth) responsive to received management communications (col. 8 lines 48-50), wherein the second communications protocol is a wireless protocol and is different from the first communications protocol (col. 6 lines 52-54).

For claim 13, Vij et al. disclose wherein the processor (figure 1, reference CPU) is adapted to allow the data communications through a first radio module and to allow to the management features through a second radio module (col. 6 lines 45-54).

For claim 14, Vij et al. disclose wherein the second radio module operates as a slave unit at least during a portion of the time the access to the management features is allowed (col. 8 line 6).

For claim 15, Vij et al. disclose wherein the processor is further adapted to authenticate communications associated with the access of the management features (col. 11 lines 1-6).

For claim 16, Vij et al. disclose wherein the first protocol is 802.11 protocol and the second wireless communications protocol is Bluetooth protocol (col. 3 line 50).

For claim 17, Vij et al. disclose wherein the processor is further adapted to allow monitoring of the data communications over the second communications protocol (col. 8 lines 22-50).

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For claim 18, Vij et al. disclose at least one of updating system information of said access point, modifying system programming of said access point, and modifying communications parameters of said access point responsive to said received management communications (col. 8 lines 48-58).

For claim 19, Vij et al. disclose monitoring the data communications using said second wireless data communications protocol (col. 8 lines 22-50).

For claim 20, Vij et al. disclose wherein the processor is further allows monitoring the data communications using said second wireless data communications protocol (col. 8 lines 22-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vij et al. (US 6,452,910) in view of Shoobridge et al. (US 6,326,926).

For claims 3 and 5, Vij et al. do not expressly disclose wherein said first protocol is 802.11 Protocol and said second wireless communications protocol is Bluetooth. In an analogous art, Shoobridge et al. disclose wherein said first protocol is 802.11 Protocol and said second wireless communications protocol is Bluetooth (figure 2, col. 5 lines 64-67).

Shoobridge et al. disclose wherein said second wireless communications protocol is Bluetooth (col. 5 lines 64-67 as set forth in claim 5).

One skilled in the art would have recognized the wherein said first protocol is 802.11 Protocol and said second wireless communications protocol is Bluetooth, and would have applied Shoobridge et al.'s cellular communication system 50 in Vi et al.'s PAN/LAN system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shoobridge et al.'s method of operating a wireless and a short-range wireless connection in the same frequency in Vij et al.'s bridging apparatus for interconnecting a wireless PAN and a wireless LAN with the motivation being to provide a cellular communication system 50 employing the Bluetooth standard and a local area network (LAN) 52 (col. 5 lines 64-67).

For claim 4, Vij et al. disclose authenticating said management communications (col. 11 lines 5-6).

For claim 6, Vij et al. disclose associating said radio module as a slave unit (col. 8 line 6).

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Response to Arguments

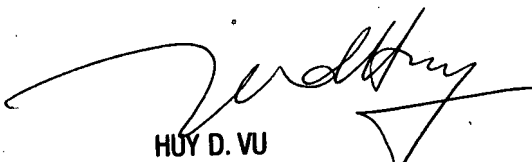
7. Applicant's arguments with respect to claims 1-1-20 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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